

**Arkansas State Board of Chiropractic Examiners
Board Meeting / Orientation
Tuesday, January 9, 2018**

CALL TO ORDER

The meeting was called to order by Kent Moore, D.C., President, at 10:00 a.m.

ROLL CALL

Board Members present:

Dustin Heard, D.C.
Jack McCoy
Thomas D. Taylor, D.C.
Tanya Holt, D.C.
Harold Gunter
Michael Courtney, D.C.
Kent Moore, D.C.

Board Members absent:

None

Guests Present:

Laurie Mayhan, Executive Director
Reid Adkins, Assistant Attorney General
Geraldan (Judi) Bradford
Chris Cathey, D.C.
Natalie Horine
Lee Horine
Becky Crenshaw
Kristie L. Davis
Samuel Haley, D.C.

ORIENTATION

Dr. Sam Haley presented information to the new licensees on behalf of the Arkansas Chiropractic Physicians Association.

Dr. Steven Bennett presented information to the new licensees on behalf of the Arkansas Chiropractic Society.

Congratulations to the following applicants who attended orientation and received their licenses this day:

| | Lic. No. | First Name | MI | Last Name |
|----|----------|------------|----|------------|
| 1. | 16177 | Dorothy | A | Pernell |
| 2. | 16179 | Gabriel | J | Ariciu |
| 3. | 16180 | Zachary | C | Williamson |
| 4. | 16182 | Bradley | A | Snider |
| 5. | 16183 | Xuan | | Yi |

Congratulations to the following licensees who were licensed on 12/07/2017 and who are fulfilling their orientation requirement this day:

| | Lic. No. | First Name | MI | Last Name |
|----|----------|------------|----|-----------|
| 6. | 15991 | Rakesh | | Kothari |

Mr. Keith Beachy and Ms. Jasmine Thompson were approved to attend orientation this day and have met most of their new applicant requirements. Due to late graduation, they will receive their license once their final chiropractic transcripts and diplomas are received.

| | | | | |
|----|-------|---------|---|----------|
| 7. | 16184 | Keith | A | Beachy |
| 8. | 16181 | Jasmine | E | Thompson |

Additionally, two applicants did not attend today's orientation and did not receive a license.

| | | | |
|-----|--------|---|---------|
| 9. | Jared | J | Bennett |
| 10. | Justin | D | Coffeen |

Recess from 10:42 – 10:53 am

MINUTES

The December 7, 2017 board minutes were presented to the Board, and while being reviewed, the executive director asked the Board if they would like her to attend the upcoming FCLB meeting. If so, she would like that be reflected in the minutes for audit purposes.

Dr. Taylor made a motion to amend today's agenda to include the item of the executive director attending the upcoming FCLB meeting. Dr. Courtney seconded the motion. Motion passed.

Dr. Taylor then motioned to allow the executive director to attend the FCLB meeting in May. Motion seconded by Dr. Courtney. Motion passed.

Dr. Courtney motioned to approve the 12/7/17 minutes. Motion seconded by Mr. McCoy. Motion passed.

DIRECTOR'S REPORTS

Budget Report

An itemized cash flow statement for December was presented to the Board, along with the monthly service bureau budget and accounting reports. The total amount expended thus far for fiscal year 2018 (July 01, 2017-Dec 31, 2017) is \$64,865.98 with \$126,013.02 remaining of the FY18 budget (\$190,879.00). The total revenue received thus far for fiscal year 2018 is \$116,541.35, which includes money receipted and interest on COI. According to the monthly service bureau reports presented, the current balance on COI as of December 1 is \$500,856.30, which does not include cash fund.

CE Report FY2018

(July 1, 2017 – June 30, 2018)

| Status | Apps received | Class hours offered | Fee Due | Fee Paid |
|-------------------------|---------------|---------------------|--------------------|--------------------|
| Approved | 227 | 3146 | \$15,730.00 | \$15,730.00 |
| Approved with Exception | 0 | 0 | \$0.00 | \$0.00 |
| Not Approved | 1 | 47 | \$235.00 | \$235.00 |
| Pending | 0 | 0 | \$0.00 | \$0.00 |
| Cancelled | 0 | 0 | \$0.00 | \$0.00 |
| Incomplete | 0 | 0 | \$0.00 | \$0.00 |
| Void | 0 | 0 | \$0.00 | \$0.00 |
| Total: | 228 | 3193 | \$15,965.00 | \$15,965.00 |

2018 License Renewals

631 license renewal forms have been mailed.

- 609 completed renewals have been received and processed as of 1/5/18.
- 22 licenses are now expired. They have a 60 day period to submit all required documents along with the late fee of \$200 or be subject to reapplication.

FOIA Report

A total of **23** Freedom of Information Act requests have been received from 7/1/17 thru 1/5/2018. **3** of those were received since the last board meeting.

A motion to accept the Directors reports was made by Dr. Taylor. Motion seconded by Dr. Heard. Motion passed.

OLD BUSINESS

Proposed legislative changes / rule changes regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, etc.

Again, proposed rules and or legislation language or topics were presented to the Board for consideration as it was tabled from the last meeting for updates. Some items have already been approved by the Board where as others have not. Several members reviewed the corporation acts and or rules of the medical, dental and veterinary boards. After a brief discussion as to how to proceed with drafting a corporation act for the ASBCE, a directive was given to the director to draft an act using the medical board's corporation act and substituting their name with ASBCE.

Additionally, the board discussed the Internship program language that Dr. DuPriest had presented at a past meeting. The board tabled this language for possible changes to (d)(5), (e)(1) & (2) as they would like to have input from Dr. DuPriest.

CLEST Re: Physicals

A letter was to be sent to CLEST to request the rationale used to deny the board's last request and for them to cite any laws pertaining to such, as well as, getting a copy of their board minutes. The director informed the board that a letter had not been sent, but that she did contact the director of CLEST. Ms. Cook, CLEST director, informed the ASBCE director that there was not a lot of conversation on our recent request and that the commission simply upheld their original decision from 2013. Ms. Cook stated it may have been because no one from ASBCE was there to discuss the item with the commission or that they may have denied it because historically they've only accepted physicals from Licensed Medical Doctors. Additionally, Ms. Cook was asked for additional information regarding the original request from 2013. No written request was on file as they believe it may have been called in to the agency director at that time. The board tabled this item until the letter is sent to CLEST and a response has been received.

NEW BUSINESS

State of Financial Interest Reminder

Reminder to members that their SFI is due by January 31st of each year.

Vote for payment of stipends

As stated in Ark. Code Ann. § 25-16-905, the majority vote of the board during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed one hundred dollars (\$100) per meeting attended, and the board shall receive no other compensation, expense reimbursement, or in-lieu-of payments except as provided in § 25-16-902. A motion was made by Dr. Taylor to approve the payment of the one hundred dollars (\$100) per meeting attended for 2018. Motion seconded by Mr. Gunter. Motion passed.

Transfer & Temporary License Requests

Kristie L. Davis submitted a completed transfer of license application on December 28, 2017. She meets all application requirements except for New Licensee orientation. Dr. Courtney motioned to approve the application. Dr. Holt seconded the motion. Motion passed.

Jacob E. Goldberg submitted a temporary supervised application on January 3, 2018. His supervisor will be James D. Taylor, DC. The temporary license will be effective until orientation on July 19, 2018. Dr. Courtney motioned to approve the temporary supervised license. Dr. Heard seconded the motion. Motion passed.

The board president requested that the agenda be amended to add Lee and Natalie Horine during the discussion of temporary licenses. Mr. McCoy motioned to allow the amendment. Dr. Taylor seconded the motion. Motion passed. Natalie Horine asked how they would go about looking to see if they would qualify for a temporary license without supervision because they would like to open a practice by spring of this year. Dr. Courtney informed the Horines that they would need to submit an application with all required documents and that the board could possibly call a phone conference once everything has been received.

License status changes

Dr. Randall Melnar submitted his 2018 renewal with a request to change his status from Inactive to Out-of-State Active. He has submitted all requirements for renewal of an out-of-state Active license. Dr. Courtney motioned to approve the out-of-state Active status change request. Mr. McCoy seconded the motion. Motion passed.

Dr. Gary Maskell submitted his 2018 renewal with a request to change his status from Inactive to Active. He has submitted all requirements for renewal of and Active license. Dr. Holt motioned to approve the Active status change request. Motion seconded by Dr. Courtney. Motion passed.

Late Fee Waiver Request

Dr. Robynn Zinser failed to submit a completed 2018 renewal application by 12/31/2018. She submitted a letter requesting the late fee be waived as she is having to train a new office manager due to unforeseen circumstances with her former office manager. Dr. Holt motioned to deny the waiver request. Motion seconded by Mr. Gunter. Motion passed.

Late Renewal- CE approvals

Dr. Christopher Culpepper submitted a timely renewal however 23 of his 24 hours were not preapproved for 2017. The one hour that was preapprove was for an online course. He recently obtained 11 online hours and 12 onsite hours that are preapproved for 2018. He requests that the board accept the 23 hours he recently obtained in 2018 to count for the incomplete hours for 2017. He has been informed that the 23 hours will not count towards his 2019 license renewal, as he will have to obtain an additional 24 hours for that renewal. Dr. Courtney motioned to accept the hours for his 2018 renewal. Dr. Heard seconded the motion. Motion passed.

Dr. Christine Hurley submitted a late renewal, as she did not have all her hours due to health reasons during 2017. She did obtain 12 online hours in 2017 however; she was unable to attend onsite hours. Therefore, in lieu of the 12 onsite hours she submitted 12 online hours that she obtained in 2018. Her request is that the board would accept the additional online hours in lieu of the onsite hours due to her health condition and letter from her physician. Dr. Courtney motioned to accept the hours for her 2018 renewal according to § 17-81-312(b)(1). Motioned seconded by Dr. Taylor. Motion passed.

Investigative Committee Report

Complaints dismissed for lack of evidence to prove violation:

577-01-30-15, 604-04-29-15, 645-08-31-16, 652-10-06-16, 653-10-06-16, 654-10-06-16, 655-10-06-16, 656-10-06-16

Complaints dismissed for lack of violation:

648-09-21-16, 650-10-06-16, 657-10-06-16, 663-10-18-16

Complaints closed

602-04-27-15, 603-04-27-15

Complaints dismissed due to settlement between complainant and respondent:

658-10-06-16, 659-10-06-16

All other complaints are pending or under further investigation/review.

Dr. Taylor motioned to accept the recommendations of the investigative report. Motioned seconded by Dr. Courtney. Motion passed.

The director informed the board that the private investigator they hired was unable to take the caseload we gave him in December. He apologized for accepting the job, but could not take on the cases, as they would require more time than he could devote. The director is searching for another investigator.

Board Member Training

The Board's counsel went over a PowerPoint handout with the members titled, "Conduct of Formal Hearings". Counsel briefly went over each page and elaborated on the topics to inform and or remind the members of how they are to conduct themselves in board hearings going forward. The director informed the board that this type of training will occur as an as need bases or when new members are appointed.

ADJOURN

Dr. Holt moved to adjourn. Dr. Heard seconded the motion. The motion passed unanimously. The Board adjourned at 12:04 p.m.

Board minutes approved: April 5, 2018